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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059314
Party	Plaintiff Merit Healthcare International, Inc. dba Merit Pharmaceutical
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Date	02/08/2016
Attachments	92059314 Reponse to Status Update.pdf(36273 bytes)

TRADEMARK CANCELLATION
Docket No. M1132-110.2*1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of: Trademark Registration Nos. 1,526,710 and 4,413,590

Marks: MERIT and MERIT MEDICAL

Dates Registered: February 28, 1989 and October 8, 2013

MERIT HEALTHCARE INTERNATIONAL,
INC. dba MERIT PHARMACEUTICAL,

Petitioner,

v.

MERIT MEDICAL SYSTEMS, INC.,

Respondent.

Cancellation No. 92059314

**RESPONSE TO STATUS UPDATE
REGARDING DISMISSAL OF RELATED
CIVIL PROCEEDING WITHOUT
PREJUDICE**

Petitioner Merit Healthcare International, Inc. (“Merit Healthcare”) submits this correspondence in response to Defendant Merit Medical Systems, Inc.’s (“MM”) Status Update Regarding Dismissal of Related Civil Proceeding, dated February 3, 2016. As stated in MM’s update, in the action captioned *Merit Healthcare International, Inc. dba Merit Pharmaceutical v. Merit Medical Systems, Inc.*, Case No. 2:14-cv-04280, on January 28, 2016, the District Court dismissed the case for lack of subject matter jurisdiction and entered a judgment of dismissal without prejudice. Merit Healthcare has thirty (30) days from the date of that judgment to file a notice of appeal. Merit Healthcare respectfully requests that the Board postpone any decision as to whether or not to remove the current stay on above Cancellation No. 92059314 until the expiration of the 30-day time period in order to avoid wasting the Board’s resources in having to consider another petition to stay should Merit Healthcare pursue an appeal, which it is strongly considering. Merit Healthcare will inform the Board whether or not it has filed a notice of appeal by February 26, 2016.

DATED this 8th day of February, 2016.

By: /Thomas J. Daly/

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dba MERIT PHARMACEUTICAL.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**RESPONSE TO STATUS UPDATE REGARDING DISMISSAL OF RELATED CIVIL
PROCEEDING WITHOUT PREJUDICE** was served upon Respondent by emailing true
copies thereof to its attorney of record at the address below, with confirmation copies via First
Class mail, postage prepaid this 8th day of February, 2016, in an envelope addressed as follows:

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/Richard Yo/